

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK LAW OFFICE 115
EXAMINING ATTORNEY: BARBARA A. GAYNOR

Applicant: Skinny Fit, LLC
Serial No.: 87/337428
Filed: February 15, 2017
Mark: **DETOX**

Attorney's Reference: 132062-413267

Honorable Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

OFFICE ACTION RESPONSE

Applicant submits the following remarks in response to the Office Action dated May 9, 2017 ("Office Action"), which included a request for a disclaimer of the word DETOX and an amendment to the identification of goods. The Examining Attorney also requests that Applicant specify a filing basis and provide a signed declaration for the Application.

REMARKS

(1) **Filing Basis/Signed Declaration**

Applicant is submitting a signed declaration assigning a Section 1(b), intent-to-use, filing basis for this Application with this response. Accordingly, Applicant respectfully submits that these requirements have been satisfied.

(2) **Disclaimer Requirement**

Elsewhere in this response, Applicant enters the following statement:

"No claim is made to the exclusive right to use "DETOX" apart from the mark as shown."

(3) **Identification and Classification of Goods**

The Examining Attorney has indicated that the following wording in the application is too broad and requires clarification:

"nutritional supplements in the form of tea bags principally containing tea but also containing herbs and extracts"

Applicant respectfully asserts that this description is sufficiently definite and does not require clarification. In particular, the identification specifies that the tea bags are nutritional supplements. This establishes the goods in Class 5.

Furthermore, Applicant respectfully draws the Examiner's attention to U.S. Registration No. 5,194,384 (SKINNYFIT – Attachment A). This registration includes the same wording the Examiner has objected to herein.

In view of the 5,194,384 Registration and the clear presence of “nutritional supplements” in the identification, Applicant declines to enter an amendment to the identification of goods and requests that the Examiner withdraw the requirement.

Attachment A



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SKINNYFIT

Word Mark SKINNYFIT
Goods and Services IC 005. US 006 018 044 046 051 052. G & S: nutritional supplements; nutritional supplements in the form of tea bags principally containing tea but also containing herbs and extracts. FIRST USE: 20160523. FIRST USE IN COMMERCE: 20160523
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 87022563
Filing Date May 3, 2016
Current Basis 1A
Original Filing Basis 1B
Published for Opposition February 14, 2017
Registration Number 5194384
Registration Date May 2, 2017
Owner (REGISTRANT) Skinny Fit, LLC LIMITED LIABILITY COMPANY DELAWARE 2140 S. Dupont Highway Camden DELAWARE 19934
Attorney of Record Andrew D. Price
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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